IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2826 OF 2007.

Hindurao Mahadev Chougale. ... Petitioner.
Versus.
Village Panchayat, Shingnapur,
Tahsil Karveer, Dist.Kolhapur
and others. ... Respondents.

Shri Vijay Patil for the Petitioner.

Shri Sandesh D.Patil along with S.S.Tambekar for the Respondents Nos.6 to 14.

CORAM : ABHAY S.OKA, J.

DATED : 20th April, 2007.

P.C.:

1. Heard the learned Advocate appearing for the Petitioner. The challenge in this writ petition under Article 227 of the Constitution of India is to a motion of no-cofidence passed against the Petitioner. The Petitioner was elected as Sarpanch of the village Shingnapur in February 2006. The motion of no-confidence was passed on 20th November 2006 in a special meeting of the village panchayat. Out of 11 members of the panchayat, 9 voted in favour of the no-confidence motion.

2. Submission of the learned Counsel appearing for the Petitioner is that he had made a representation in writing dealing with the motion of no-confidence and the said writing was not read over in the special meeting. He submitted that it was the duty of the Presiding Officer to read over the said representation and if the said representation would have been read over, the

members who were present could have changed their mind. Reliance is placed on the decision of this Court in the case of Ashok Krishnakanat Mehta v/s. State of Maharashtra (2000(4) Mah.L.J. page 197).

3. The learned Advocate for the contesting Respondents has placed reliance on the decision of another Division Bench of this Court in the case of Dayandev Mohiniraj Nipunage and another v/s. The State of Maharashtra and others, (2000(2) B.C.R. page 849).

4. I have considered the submissions made by the Advocates appearing for the parties. There were 11 members of the Gram Panchayat out of which 9 members remained present. All 9 voted in favour of the no-confidence motion. There is a finding of fact recorded that the Petitioner was served with the notice and he did not attend the meeting.

5. In view of the fact that the Petitioner failed to attend the meeting, I find no reason to interfere with the order passed by the Additional Collector, Kolhapur. As stated above, out of 11 members of the Gram Panchayat, 9 who were present have voted in favour of the no-confidence motion.

6. No case for interference is made out. Writ Petition is rejected.

Judge.